

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-00565-FL**

ABC PHONES OF NORTH CAROLINA,
INC. d/b/a VICTRA,

Plaintiff,

v.

STRAX AMERICAS, INC. and MATTER
BRANDS, LLC,

Defendants.

DECLARATION OF TIM SMART

I, Tim Smart, pursuant to 28 U.S.C. § 1746, state and declare under penalty of perjury as follows:

1. I am over the age of 18 and am not subject to any legal infirmity. I make this declaration on the basis of my personal knowledge.
2. During the time period relevant to Victra's claims, I was President of Defendant Strax Americas, Inc. ("Strax"). I am a resident of the State of Florida.
3. Strax is a specialist service company primarily engaged in the business of manufacturing mobile phone accessories and related products, including branding, design, and sourcing of products, throughout the United States. Strax's products are manufactured by factories in Asia on behalf of Strax.
4. Strax is a Florida corporation which is headquartered in Florida and maintains its principal place of business in Florida.

5. Strax does not maintain offices or agents in North Carolina and does not own property in North Carolina.

6. On or about December 12, 2022, Plaintiff ABC Phones of North Carolina, Inc. d/b/a Victra ("Victra") published a "Victra Power Portfolio Request for Proposal" ("RFP") seeking a manufacturer for a new line of power products and accessories. The RFP requested responses from manufacturers like Strax regarding their company information, experience manufacturing and creating brands, and value-added services if chosen by Victra.

7. Strax submitted its response to the RFP via e-mail that I sent to Philip Ganbarg, Vice President of Merchandising at Victra, on January 13, 2023. Victra ultimately selected Strax for its premium power portfolio project on March 3, 2023. Based on this award, Strax quickly mobilized to develop and bring the contemplated brand, Jewel, to market, making significant investments necessary to do so.

8. Victra first started making orders in mid-2023, and Strax accordingly began to make its first shipments of product in July. These shipments were made to third-party supplier Superior Communications, Inc., which is based in California. By agreement between the parties, Victra placed its orders for Strax products through Superior Communications, Inc.

9. After only five months of supplying premium charging products, Victra suddenly terminated its premium charging relationship with Strax in December of 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 2, 2024



Tim Smart